



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

January 14, 2004

Serial No. 09/640,196
Applicant: Sanders
Filed: 16 August 2000
Title: Business Method and Processing System

Art Unit: 3627
Examiner: Bartuska, Francis John
Confirmation Number: 3234

Attorney Docket No.: RSAN.3
HONORABLE COMMISSIONER OF PATENTS
Alexandria, VA 22313-1450

AFFIDAVIT OF ONDREJ FRYDRYCH

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Ondrej Frydrych deposes and says that:

1. I am familiar with the contents of the above referenced application and with the Office Action Mailed 14 August 2003 and with the art cited in the Office Action.
2. I am a practitioner of ordinary or above ordinary skill in the field of computer science with ordinary or above ordinary skill in the fields of computer programming, e-commerce, and web based design. My background and/or qualifications in these fields is as follows:

a. Work Experience

1) *Chief of eServices*, eProductivity.com, Inc, Atlanta, GA (4/00 – present) – a restart now operating as Emenete, Inc. under new management based out of Boston, MA

- Integration of business and technology strategy, technology and e-commerce architecture, project management – led the development, implementation and operation of a portal based e-services platform, which enabled integration of third party fulfillment partners. Created appropriate workflow management, built a B2B exchange for real estate commercial office buildings, wireless enabled the portal for seamless integration,

managed an internet kiosk project-development. Headed the implementation of a web-based CRM module and a management-reporting module within the portal, leading to the filing of a patent-pending process. Responsible for selection and management of high-availability hosting solutions for the portal using 3-tier architecture

- Management team member of a venture-funded company that captured 50 Fortune 500 companies as clients within the first year of operation due to the unique portal design

2) *Web Project Manager*, Eastman Kodak Company, Rochester, NY (11/98 - 4/00)

Project Management:

- *Kodak NetPass* - LDAP based, centrally managed single password solution for enterprise-wide Intranet log-ons with a supporting Oracle database. Current number of users - 40,000, estimated savings - \$1.3M/year.
- *Kodak EKDirectory* - web interface to Kodak's LDAP directory - including user update screens, and directory administration screens for 70,000 users

Technical Project Management:

- *Kodak ExpenseManager* - web based expense management solution for 35,000 users - responsible for all web related aspects of implementation of XMS system from Concur Technologies in Kodak, responsible for HW and SW selection, purchasing and installation, coordination of technical activities between vendor and Kodak's stakeholders, integration of XMS into Kodak's intranet architecture.
- *Kodak TravelManager* - coordination of Kodak and GetThere technical teams for implementation of GetThere's web based travel reservation system for 20,000 users, including integration with Kodak's single password.
- *Kodak's Finance Datawarehouse* - web-based executive information system - infrastructure planning and integration of ERP systems for business intelligence

3) *Web project manager*, Flairon, (6/98 - 11/98)

4) *Technology Coordinator*, Xerox Business Services, (6/97 - 9/97)

5) *DB Administrator - Windows NT Administration*, Rochester Institute of Technology, (9/95 - 5/97)

b. Professional Skills

- 1) *Business:* P&L responsibility, managing development and implementation teams, decision making
- 2) *Consulting:* ability to identify core of a problem and translate user needs into actions that will deliver desired results cost-effectively
- 3) *Project management:* formal methodologies (including SW tools) as well as hands-on experience
- 4) *Soft-skills:* excellent interpersonal and communication skills, experienced C-level presenter

5) *Technical skills: Cold Fusion, ASP, Java, C, Perl, UNIX, Win, Oracle, MSSQL, DB2*

c. Education

- 1) *MBA*, Rochester Institute of Technology, Rochester, NY, 1997, GPA: 4.0
- 2) *MSc. in Computer Aided Engineering*, Technical University of Liberec, Czech Republic, 1995
- 3) *Diploma in Computer Science (equivalent of B.Sc.)*, Dublin Institute of Technology, Ireland, 1993

In addition, I have attended numerous industry trade shows, seminars and other events where I was exposed to current developments and to numerous other practitioners of ordinary or above ordinary skill in computer science, programming, e-commerce, and web based design. I have also traveled to and/or reviewed products and services related to these fields throughout the United States and elsewhere. I am, therefore, very familiar with the ordinary level of skill of practitioners in the fields of computer science, programming, e-commerce, and web based design.

3. The examiner has rejected claims 1-10 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The examiner states that:

The claim(s) contains subject matter that was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification includes numerous goals and benefits of the invention but does not include any specific structure or detailed method steps that would allow one skilled in the art to make and/or use the invention. Particularly there is no disclosed structure, flow charts, computer programs or logic to perform the following claimed limitations. . . ."

The examiner then cites to particular portions of subparagraphs of particular claims as being ones where he alleges that there is no specific structure or detailed method steps in the specification that would allow one skilled in the art to make or use the invention, etc. This is incorrect. I am very familiar with the ordinary level of skill in the arts related to this matter as set forth above. It would have been clear based on the specification, to one of ordinary in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to make and/or use the invention. This is based on the

fact that the specification very clearly spells out the context of the claims: a web-based processing system where a tenant occupant/end user is interconnected from a property via a computer network to a system providing various services and/or features. (See, e.g., Specification at p. 3, lines 6-12; p. 3, lines 31-32; p. 4, lines 11-15; p. 4, lines 27-35; p. 6, lines 15-17; p. 9, lines 35-37; p. 10, lines 1-7; and associated drawing figures; see, also, the claims in general).

4. More particularly, as to each of the particular matters specified by the examiner in claims 1, 3, 6 and 7:

a. As to "providing cost-management to the users of the multiple services in a portfolio-style management" [as set forth in claim 1(g)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a tool for use with the web-based processing system which would provide the users with an overview of the services they procure through the system and the pricing for those services and also a mechanism to control the spending limits for each of the services. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

b. As to "providing online billing, payment and transaction processing capability for multiple users, multiple services and multiple individual service providers, simultaneously" [as set forth in claim 1(h)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which acts as a gateway between service providers and customers. That is a system which consolidates service requests from users and presents them to service providers. The processing of, billing and payment for these services is administered using the system. The provision of a software system or application for use with the aforesaid web-based processing system for this/these

purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

c. As to "providing order-entry confirmation and giving automated status feedback at predetermined intervals" [as set forth in claim 3(b)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which will automatically confirm an order to the user (email, page, etc) and will keep the user updated about the status of the service request. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

d. As to "providing customized catalogs and personalized pricing" [as set forth in claim 3(c)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system, which will allow for customized catalogs, i.e. catalogs, whose content is suited to the needs of each individual customer. The system should also allow for customized price lists, where each customer has its own exclusive price list, which is then applied for all purchases of that customer. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

e. As to "providing usage tracking and trending" [as set forth in claim 3(d)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) for use with the aforesaid web-based processing system because it is obvious that the system should collect and present information on service usage, both in service volume terms (number of requests, etc) as well as monetary volumes. The information should also be viewable in the form of charts

which would allow for trend analysis. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

f. As to "providing online billing" [as set forth in claim 3(e)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which can calculate the total price based on the sum of individual item prices. The total price is then presented to the user in a form that also allows for online payment. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

g. As to "routing orders automatically" [as set forth in claim 3(f)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which allows for the definition of a workflow, which routes the orders automatically to the appropriate services center, based on pre-determined business logic. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

h. As to "tracking flow-through items with details of recency, frequency, usage and monetary value" [as set forth in claim 3(g)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which allow for delivery of flow through items while tracking the above mentioned information about each transaction.

For example should the user order a ream of paper, the order and delivery of the paper would be recorded in the system, which would then allow for an analysis of the sales of reams of paper in terms of recency, frequency, usage and monetary value. Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

i. As to "capturing preferences of users" [as set forth in claim 3(i)] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system which will allow the user to set his/her preferences in terms of services that the user procures (for example setting the default to express delivery and payment with credit card whose information is on file) but also the preference for working with the system (ie. Form of address, color scheme, etc). Provision of a software system or application for use with the aforesaid web-based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

j. As to "a system that automatically accepts schedules and routes service requests to the appropriate fulfillment center based on desired service level, type of service, capacity utilization, load factors at various centers and other factors and immediately confirms receipt and confirms completion of the service request and convincing the entity to provide a venue includes negotiating terms that allow a flexible engagement within the at least one property" [as set forth in claims 6 and 7] it would have been clear based on the specification, drawings and claims to one of ordinary skill in the art to which the claims pertain, or to which they are most nearly connected, in 1999 and 2000 how to implement this/these function(s) because it is obvious that the inventor means a system for use with the aforesaid web-based processing system combining the features presented in the previous paragraphs. That is a system which ensures automatic workflow of service requests based on pre-determined business logic. A system that also provides confirmation of requests to the user and regular status updates communicated to the user. Provision of a software system or application for use with the aforesaid web-

based processing system for this/these purpose(s) is well within the ordinary skill in the art in view of the description given in the specification.

5. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 14, 2004

Ondrej Frydrych
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